IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Crl.Rev.Pet.No. 525 of 1998

CRA.12/1995 of II ADDL. SESSIONS COURT, PALAKKAD
ST.2343/1991 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR
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REVN. PETITIONER:

CHINNAPPAN, S/O. SELVAMUTHU, ERUMAKKARANNOOR VADAKARAPATHY, CHITTUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENTS:
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1. SATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, REPRESENTING THE S.I.OF POLICE, KOZHINJAMPARA.

BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 2767 OF 1998 IN CRL.R.P.NO. 525 OF 1998

DISMISSED.

2-3-2007 **SD/-K.R.UDAYABHANU, JUDGE**

TRUE COPY

P.S.TO JUDGE

ks.

K.R. UDAYABHANU, J.

CRL.R.P.NO.525 of 1998

DATED THIS THE 2nd DAY OF March 2007

ORDER

The revision petitioner stands convicted for the offence under Section 304(A)IPC and sentenced to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for three months for the offence under Section 279 IPC and also sentenced to pay a fine of Rs.100/- and in default to undergo simple imprisonment for one week for the offence under Section 128 read with Section 177 of the Motor Vehicles Act. The findings are concurrent. The prosecution case is that on 14-3-1991 at 4.00 p.m. the accused drove motor cycle bearing Registration No.TDI 1323 with pillion riders through the Kozhinjampara - Velanthavalam Public road in a rash and negligent manner and hit on the deceased who was waiting for the bus. The deceased died after 8 days at the hospital.

2. Counsel for the revision petitioner has only sought for modification of the sentence. It is pointed out that the incident has taken place 1 ½ decades ago and the accused then was only 22 years of age.

In the circumstances, the conviction for the offence is confirmed and sentence under Section 304(A) IPC is modified to imprisonment

till the rising of the court and to pay a compensation of Rs.50,000/- to PW1, the wife of the deceased, and in default to undergo simple imprisonment for six months. The revision petitioner shall appear before the Judicial Magistrate of First Class, Chittur on 24-4-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.525 OF 1998

ORDER

2-3-2007